

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of:

Scott E. ANDERSEN *et al.*

Appl. No.: 09/553,094

Filed: April 18, 2000

Title: Nucleic Acid Molecules and Other Molecules Associated with Plants

Art Unit: 1631

Examiner: Marjorie A. Moran

Atty. Dkt. No.: 16517.272

Appeal No.: 2004-1406

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den  
7/26/04

**Waiver of Hearing**

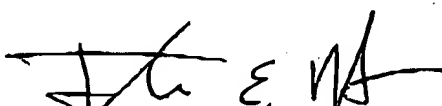
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

A hearing before the Board of Patent Appeals and Interferences ("Board") was requested on September 29, , in the above-identified application. Applicants hereby waive attendance at this hearing, and respectfully request that the Board make its decision based on the record.

Respectfully submitted,

Date: July 22, 2004



Thomas E. Holsten (Reg. No. 46,098)

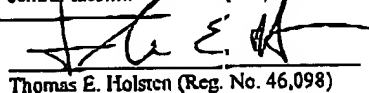
Holly Logue Prutz (Reg. No. 47,755)

David R. Marsh (Reg. No. 41,408)

Of Counsel  
Lawrence M. Lavin, Jr.  
(Reg. Atty. No. 30,768)  
Thomas E. Kelley  
(Reg. Atty. No. 29,938)  
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ARNOLD & PORTER LLP  
555 Twelfth Street, NW  
Washington, DC 20004-2402  
(202) 942-5000 telephone  
(202) 942-5999 facsimile

I hereby certify that the foregoing Waiver of Hearing is being facsimile transmitted to the attention of the Board of Patent Appeals and Interferences, via facsimile number (703) 308-6200, and to the U.S. Patent and Trademark Office central facsimile number (703) 872-9306.



Thomas E. Holsten (Reg. No. 46,098)

July 22, 2004  
Date

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Re: Appeal Nos. 2003-1072, 2003-1073, 2003-1074, 2003-1666, 2003-1939, 2004-1034, 2004-1272, 2004-1273, 2004-1275, 2004-1406, 2004-1480, 2004-1725, 2004-1773 and  
Application No. 09/267,199 (BHAT *et al.*) filed March 12, 1999 (Conf. No. 6701)

Atty. Dkt. Nos.: 38-21(15404)B/US, 38-21(15726)B/US, 38-21(15760)B/US, 16517.128, 16517.277, 16517.314, 16517.032, 16517.285, 16517.285, 16517.276, 16517.276, 16517.272, 16517.281, 16517.231, 16517.142 and 16517.233

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## ARNOLD &amp; PORTER LLP

David R. Marsh, Ph.D.  
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Washington, DC 20004-1206

July 22, 2004

VIA FACSIMILE

Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Re: Waivers of Hearing

Dear Sir:

Transmitted herewith for appropriate action by the U.S. Patent and Trademark Office is a Waiver  
of Hearing for each of the following applications:

1. Appeal No.: Not Yet Assigned/Conf. No. 6701  
Serial No. 09/267,199, filed March 12, 1999  
Applicants: Barkur G. BHAT *et al.*  
Title: Nucleic Acid Molecules and Other Molecules Associated with the Tocopherol  
Pathway  
Attorney Docket No.: 16517.233
2. Appeal No.: 2003-1072  
Serial No. 09/333,534, filed June 14, 1999  
Applicants: Timothy W. CONNER *et al.*  
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants  
Attorney Docket No.: 38-21(15404)B/US
3. Appeal No.: 2003-1073  
Serial No. 09/540,234, filed April 3, 2000  
Applicants: Timothy W. CONNER *et al.*  
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants  
Attorney Docket No.: 38-21(15726)B/US
4. Appeal No.: 2003-1074  
Serial No. 09/552,086, filed April 19, 2000  
Applicants: Robert E. BUEHLER *et al.*  
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants  
Attorney Docket No.: 38-21(15760)B/US
5. Appeal No.: 2003-1666  
Serial No. 09/521,640, filed March 10, 2000  
Applicants: Joseph R. BYRUM *et al.*  
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants  
Attorney Docket No.: 16517.128

Washington, DC   New York   London   Brussels   Los Angeles   Century City   Northern Virginia   Denver

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ARNOLD & PORTER LLP

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Board of Patent Appeals and Interferences  
U.S. Patent and Trademark Office  
July 22, 2004  
Page 2

6. Appeal No.: 2003-1939  
Serial No. 09/333,535, filed June 14, 1999  
Applicants: Joseph R. BYRUM *et al.*  
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants  
Attorney Docket No.: 16517.277
7. Appeal No.: 2004-1034  
Serial No. 09/666,355, filed September 20, 2000  
Applicants: Karen L. FINCHER *et al.*  
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants  
Attorney Docket No.: 16517.314
8. Appeal No.: 2004-1272  
Serial No. 09/371,146, filed August 9, 1999  
Applicants: Nordine CHEIKH *et al.*  
Title: Annotated Plant Genes  
Attorney Docket No.: 16517.032
9. Appeal No.: 2004-1273  
Serial No. 09/637,086, filed August 11, 2000  
Applicants: Karen L. FINCHER *et al.*  
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants  
Attorney Docket No.: 16517.285
10. Appeal No.: 2004-1275  
Serial No. 09/540,235, filed April 3, 2000  
Applicants: Dane K. FISHER *et al.*  
Title: Nucleic Acid Sequences from *Cyanidium Caldarium* and Uses Thereof  
Attorney Docket No.: 16517.276
11. Appeal No.: 2004-1406  
Serial No. 09/553,094, filed April 18, 2000  
Applicants: Scott E. ANDERSEN *et al.*  
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants  
Attorney Docket No.: 16517.272

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ARNOLD & PORTER LLP

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Board of Patent Appeals and Interferences  
U.S. Patent and Trademark Office  
July 22, 2004  
Page 3

12. Appeal No. 2004-1480  
Serial No. 09/732,627, filed December 8, 2000  
Applicants: Karen L. FINCHER *et al.*  
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants  
Attorney Docket No.: 16517.281
13. Appeal No.: 2004-1725  
Serial No. 09/233,218, filed January 20, 1999  
~~Applicants: Claire A. CAJACOB *et al.*~~  
Title: Nucleic Acid Molecules and Other Molecules Associated with the Tetrapyrrole  
Pathway  
Attorney Docket No.: 16517.231
14. Appeal No.: 2004-1773  
Serial No. 09/421,106, filed October 15, 1999  
Applicants: Joseph R. BYRUM  
Title: Nucleic Acid Molecules and Other Molecules Associated with Plants  
Attorney Docket No.: 16517.142

It is respectfully requested that acknowledgement of receipt of these waivers be sent via return facsimile to the undersigned at 202-942-5999.

In the event that extensions of time are necessary to prevent abandonment of these patent applications, then such extensions of time are hereby petitioned. Appellants do not believe any additional fees are due in conjunction with these filings. However, if any fees are required in the present applications, including any fees for extensions of time, then the Commissioner is hereby authorized to charge such fees to Arnold & Porter LLP Deposit Account No. 50-2387, referencing docket number 16517.001.

Sincerely,



David R. Marsh (Reg. No. 41,408)

Enclosures

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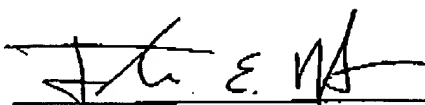
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Thomas E. Holsten (Reg. No. 46,098)July 22, 2004  
Date